

REMARKS

These remarks are directed to the office action mailed December 31, 2008, setting a three month shortened statutory period for response set to expire on March 31, 2009. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered. With this amendment, Applicant has amended claim 13 to correct a minor informality. No other amendments have been made.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Claims 1-4 and 6-13 are currently pending.

Claim Objections

On page 2 of the Office Action, the Examiner objects to claim 13 for the informality that "A SIM card comprising..." should change to "The SIM card comprising...". In response, Applicant has made the amendment suggested by the Examiner.

Claim Rejections under 35 USC § 103

Claims 1-4, 6-13 have been rejected under 35 USC §103(a) as being unpatentable over Vestergaard (U.S. Pub. No. 2002/0068574) ("Vestergaard") in view of Jiang (U.S. Pub. No. 2002/0057678) ("Jiang"), and further in view of Stadelmann (U.S. Patent No. 6,738,622) ("Rautila").

As previously presented, a person of ordinary skill in the art at the time of the invention will not learn from either the Vestergaard or Jiang publications, alone or in combination, the invention of claims 1-4 and 6-13. The present invention is directed to **a method of selecting an information transfer mechanism (DTMF, DDI, USSD, SMS) based on retrieved data on the information transfer mechanism supported by a mobile communication device**, a first network and a second network. In at least one embodiment, selection is made for the transfer mechanism supported by all these three entities.

On paragraph 3 of page 4 of the Office Action, the Examiner states “**Vestergaard and Jiang do not explicitly teach** wherein the selected information transfer mechanism comprises one or more of the group of Dual Tone Multiple Frequency; Direct Dial In; Unstructured Supplementary Services Data; Short Message Service.” (Emphasis in original). The Examiner then goes on to state that “Stadelmann specifically teaches wherein the selected information transfer mechanism comprises one or more of the group of Dual Tone Multiple Frequency; Direct Dial In; Unobstructed Supplementary Services Data; Short Message Service (Col. 7, lines 3-51), and Col 2, lines 7-45).”

Applicant respectfully disagrees. Stadelmann does not teach or suggest the selected information transfer mechanism comprising one or more of the group of Dual Tone Multiple Frequency; Direct Dial In; Unstructured Supplementary Services Data; Short Message Service.

Stadelmann is directed to a roaming method, wherein a subscriber is assigned a first IMSI (IMSI1) in his own network (HPLMN) and a second IMSI (IMSI2) in a visited network (PPLMN), the two IMSIs being allocated a common call number (MSISDN).

More specifically, Col 2, lines 7-45 of Stedelmann, as cited by the Examiner, states:

In particular, this goal is achieved by the invention in that, in the method according to the invention, which enables a subscriber of a home mobile radio network (Home Public Land Mobile Network, HPLMN) to connect to a visited mobile radio network (Visited Public Land Mobile Network, VPLMN) without a roaming agreement with the home mobile radio network (HPLMN), in that the subscriber receives an identification module having a first mobile subscriber identification (International Mobile Subscriber Identity, IMSI) from the number range of his home mobile radio network (HPLMN) and having a second mobile subscriber identification (IMSI) from the number range of a partner network (Partner Public Land Mobile Network, PPLMN), which partner network (PPLMN) possesses additional roaming agreements, a common call number (Mobile Subscriber Integrated Services Digital Network, MSISDN) is allocated to the two said mobile subscriber identifications (IMSI). The allocation of a common call number (MSISDN) to the different mobile subscriber identifications (IMSI) has the particular advantage that a subscriber can be reached via this one call number (MSISDN) even if he logs

on with different mobile subscriber identifications (IMSI) to his home mobile radio network (HPLMN) and to a visited mobile radio network (VPLMN), respectively. The assignment of two (or more) mobile subscriber identifications (IMSI) to a subscriber, one from the number range of the home mobile radio network (HPLMN) and one from the number range of a partner network (PPLMN) has, moreover, the advantage that the subscriber does not depend merely upon the roaming agreements of the operator of the partner network (PPLMN), but that he can additionally profit also by roaming agreements of his home network operator possibly concluded later. As has already been mentioned at the beginning, the invention relates to mobile networks according to the GSM standard; but it may also be utilized in other mobile networks, for instance in UMTS mobile networks (UMTS=Universal Mobile Telephone System), or in particular also for roaming between different GSM and/or non-GSM networks.

Col 2, lines 7-45 only mentions the features as mentioned (double IMSI), and that the method may be used in either GSM or UMTS networks. Col. 7, lines 3-51 teach the skilled person that special messages may be sent to the mobile radio terminal 1, e.g., by means of a SMS or USSD message. Accordingly the Stadelmann reference only mentions two types of message (SMS, USSD) as possible conveyers of the information needed by the mobile radio terminal for implementing the invention described in the Stadelmann reference.

Col. 7, lines 3-51 of Stadelmann, as cited by the Examiner, states

As long as the mobile subscriber concerned stays in the area covered by the lie-operator, that is, in the home mobile radio network area or in a visited network PPLMN having 5 a direct roaming agreement with the operator of the home mobile radio network HPLMN, the mobile apparatus 1 automatically checks into this network with the IMSI number IMSI1 from the number range of the lie-operator, as is illustrated in FIGS. 1 and 2 by the arrows 10 and 11, 10 respectively. This procedure corresponds to the standardized GSM procedures.

If the mobile subscriber of the lie-operator leaves his own coverage area HPLMN, the subscriber can check automatically or manually into a visited network VPLMN of an 15 operator who has a roaming agreement with the partner operator, as is illustrated in FIGS. 1 and 2 by the arrow 20. According to the desired convenience for the subscriber, for example according to whether

the IMSI change is carried out manually or automatically, special functions may be implemented therefor on the SIM card or if necessary also in the mobile apparatus 1. Preferably, the IMSI change takes place by means of a programmed software function, without for instance the SIM card having to be removed from the mobile apparatus 1 or manipulated. The programmed software function preferably runs in the SIM card. However, a programmed software function in the infrastructure of the network may also be preferred. In this latter case, the first or the second IMSI number IMSI1, IMSI2 is activated from the infrastructure of the network by means of special messages 30 which are transmitted to the mobile radio terminal 1 concerned, for instance by means of SMS (SMS=Short Message Services) or USSD messages (USSD = Unstructured Supplementary Services Data).

Incoming calls are routed into the network of the lie-operator on the basis of the call number MSISDN which is situated in the number range of the lie-operator. Because the address of the Visitor Location Register (VLR) MSC/VLR in which the subscriber has checked in is registered in the home file HLR of the lie-operator, the sequence of functions 40 (requesting the roaming number and setting up the connection with the roaming number) takes place fundamentally according to GSM specifications. In FIGS. 3 and 4, the signaling relationships for a connection terminating in a mobile radio terminal 1, that is, for a call arriving at a mobile radio terminal 1, is shown diagrammatically in each case for sub-modification a1) and for sub-modification a2), respectively. As an example, the incoming call is illustrated in FIGS. 3 and 4 by the arrow 4, which reaches the home mobile radio network HPLMN via a Gateway Mobile Switching Centre GMSC.

Column 7, lines 3-51 of Stadelmann also only mentioned the indicated features. For example, the Stedelmann reference indicates that the IMSI2 is activated using an SMS message. Stedelmann does not, as the Examiner contends, teach or suggest that one or more of the DTMF, DDI, USSD, SMS is selected as transfer mechanism. Accordingly, for this reason alone, the Examiner rejection of independent claim 1 and claims 2-4 and 6-13, all of which depend from independent claim 1, are improper and should be withdrawn.

Additionally, Applicant submits that the Examiner's use of three references, which do not teach or suggest the claimed invention to support the Examiner's obviousness based rejections, is improper.

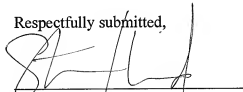
For each of these reasons independently, Applicant submits that none of the cited references teach or suggest all the elements and limitations of independent claim 1. Therefore, independent claim 1 and the claims dependent therefrom are not obvious and are therefore patentable under 35 USC §103. The Examiner is respectfully requested to reconsider and now withdraw the Examiner's rejection.

Conclusion

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge \$490.00 for a two-month extension of time as well as any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 072998-012300 is referred to when charging any payments or credits for this case.

Respectfully submitted,


Steve Hassid
Reg. No. 46,762

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GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7700
Fax: (310) 586-7800
E-mail: laipmail@gtlaw.com